

JUL 20 2022

STAFF INITIALS

*[Handwritten initials]*

UNITED STATES SUPREME COURT

FILED  
JUL 20 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Joseph m. DeGraw  
V.

Case NO:  
(Not assigned)

Secretary, Florida Department  
of Corrections, et, al  
Respondents / Appelles

MOTION FOR EXTENSION OF TIME TO FILE A  
PETITION FOR WRIT OF CERTIORARI

Comes now the movant, Joseph m. DeGraw pro se,  
and moves this Honorable court, pursuant to  
S. Ct. Rule 13 (5), grant a 60-day extension of  
time for him to complete and file his petition for  
writ of certiorari.

DeGraw presents the following in support hereof:

- 1) This court has jurisdiction to entertain this motion because the judgement the movant seeks reviewed under certiorari derives from the order of a district court denying relief on a writ of habeas corpus and finalized by the united states circuit court of appeals of eleventh circuit, (circuit court case number 21-12275-D) as per the pertinent section of the united states constitution. (see attachment).

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- 2) This court has extraordinary circumstances to consider this last minute filed motion. Movant's assistant (another incarcerated individual) has a heavy case load and is the reason this motion is being filed inside the final 10-day requirement.
- 3) DeGraw is a pro se layman of the law in prison who relies completely on fellow inmate "law clerks" to assist him in these proceedings.
- 4) The law clerk currently preparing his motion for reinstatement has a heavy case load, and too, is not as proficient in preparing legal pleadings as a seasoned appellate lawyer. Not to mention, he is faced with the same hurdles that any other incarcerated individual faces resulting from overpopulation and limited legal resources.
- 5) Due to DeGraw's capacity as a layman of the law and being incarcerated, he is unable to contact the opposing party in time to find out if there would be any objection to this motion. Nonetheless, he makes this motion in good faith and without frivolous intent.

wherefor, DeGraw humbly prays This Honorable Court extend the time period for him to file his motion for reinstatement 60 days or whatever amount this Court deems appropriate in accordance with its discretion.

Respectfully Submitted,

~~1st Joseph DeGraw~~

movant, Joseph DeGraw  
Pro se

#### OATH

I, Joseph M. DeGraw, do hereby swear under the penalties of perjury, pursuant to 28 U.S.C., 1746, that the contents of the foregoing motion are true and correct; on this 20 day of July, 2022

~~1st Joseph DeGraw~~

movant, Joseph DeGraw  
Pro se.

## CERTIFICATE OF SERVICE

I, Joseph M. DeGraw, the Petitioner in this cause, hereby certifies that I have hand delivered a true and correct copy of the foregoing certificate to the mail collection representative of Everglades Correctional Institution. To be forwarded via USPS, first class mailing to the following forum and party members: 1) office of the clerk, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543, and 2) AAG's office, 1515 N. Flagler Dr. 9th floor, West Palm Beach, FL 33401 on this 20 day of July 2022.

15/ ~~Joseph M. DeGraw~~  
Petitioner, Pro se  
Joseph M. DeGraw  
DC# C10445 Everglades, CI  
1599 S.W. 187th Ave  
Miami, FL 33194

UNITED STATES SUPREME COURT

Joseph m. DeGraw,  
Petitioner

Vs.

CASE NO.: (NOT assigned)

Secretary, Florida  
Department of Corrections  
et, al.,  
Appelle.

CERTIFICATE OF INTERESTED PERSONS

In accordance with c.f.R. 26-1.1, The Petitioner,  
Joseph m. DeGraw, certifies that to the best of his  
knowledge, the following persons have or may have an  
interest in the outcome of this case:

Ciklin, Cory J.	4th DCA Judge
COX, Cynthia L.	19th Judicial cir. Judge
Damorgian, Dorian.	4th DCA Judge
DeGraw, Joseph m.	Petitioner
Egber, Mitchell.	AAG
Fors, Alan O.	4th DCA Judge
Haughwout, Carey	PD
Isom, Woodson Jr.	APD
Klingensmith, Mark W.	4th DCA Judge
Levine, Spencer D.	4th DCA Judge
Marra, Kenneth A.	U.S. Dist. Judge
Pegg, Robert L.	19th cir. Judge

Rhodeback, michelle m.  
Robinson, nikki  
Workman, Brian G.

Respectfully Submitted,

15/ Joseph M. DeGraw

Petitioner, Pro se  
Joseph m. DeGraw

### CERTIFICATE OF SERVICE

I, Joseph m. DeGraw, the Petitioner in this cause, hereby certifies that I have hand delivered a true and correct copy of the foregoing certificate to the mail collection representative of Everglades Correctional Institution, to be forwarded via usps, first class mailing, to the following forum and party members: 1) Office of the Clerk, Supreme Court of the United States, 1 First Street NE, WASHINGTON, DC 20543, and 2) AAG's office 1515 N. Flagler Dr. 9th floor, West Palm Beach, FL 33401 on this 20 day of July 2022.

15/ Joseph M. DeGraw

Petitioner, Pro se  
Joseph m. DeGraw  
DC# C10445. Everglades, CI  
1599 S.W. 187th Ave  
MIAMI, FL 33194

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 21-12275-F

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JOSEPH MICHAEL DEGRAW,

Petitioner - Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

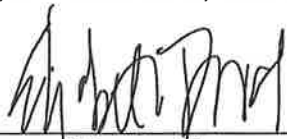
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Appeal from the United States District Court  
for the Southern District of Florida

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ORDER:

Joseph Degraw seeks a certificate of appealability (“COA”) to appeal the district court’s denial of his 28 U.S.C. § 2254 petition and dismissal of his Fed. R. Civ. P. 60(b) motion for relief from the judgment as an impermissibly successive habeas petition over which it lacked jurisdiction. Because Degraw has failed to make a substantial showing of the denial of a constitutional right, his motion for a COA to appeal the denial of his § 2254 petition is DENIED. 28 U.S.C. § 2253(c)(2). However, because Degraw’s Rule 60(b) motion was an impermissibly second or successive § 2254 habeas corpus petition, his motion for a COA to appeal its dismissal is DENIED AS UNNECESSARY. *See Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004).

  
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-12275-BB

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JOSEPH MICHAEL DEGRAW,

Petitioner - Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

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Appeal from the United States District Court  
for the Southern District of Florida

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ORDER: Pursuant to the 11th Cir. R. 42-2(c), this appeal is hereby DISMISSED for want of prosecution because the appellant Joseph Michael Degraw has failed to file an appellant's brief within the time fixed by the rules, effective April 25, 2022.

DAVID J. SMITH  
Clerk of Court of the United States Court  
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION



**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

April 25, 2022

Clerk - Southern District of Florida  
U.S. District Court  
400 N MIAMI AVE  
MIAMI, FL 33128-1810

Appeal Number: 21-12275-BB  
Case Style: Joseph Degraw v. Secretary, Florida Department of Corrections  
District Court Docket No: 2:20-cv-14034-KAM

The enclosed copy of the Clerk's Order of Dismissal for failure to prosecute in the above-referenced appeal is issued as the mandate of this court. *See* 11th Cir. R. 41-4. Pursuant to 11th Cir. R. 42-2(c) and 42-3(c), when an appellant fails to timely file or correct a brief or appendix, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on 04/25/2022.

Eleventh Circuit Rules 42-2(e) and 42-3(e) govern motions to set aside dismissal and remedy the default. Such motions must be filed within 14 days of the date the clerk issues the Order of Dismissal. Except as otherwise provided by FRAP 25(a) for inmate filings, a motion to set aside dismissal and remedy the default is not timely unless the clerk receives the motion within the time fixed for filing. *See* FRAP 25(a)(2)(A)(i).

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tonya L. Richardson, BB  
Phone #: (404) 335-6174

Enclosure(s)

DIS-2CIV Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 21-12275-BB

---

JOSEPH MICHAEL DEGRAW,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

---

Appeal from the United States District Court  
for the Southern District of Florida

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Before: NEWSOM and BRANCH, Circuit Judges.

BY THE COURT:

Joseph Degraw has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's March 3, 2022 order. Upon review, Degraw's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.